

FILED BY sq D.C.

05 JUL 19 PM 4: 43 THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

FILED BY cas D.C.

2005 JUL -5 AM 9: 31

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

IN RE: ELECTRONIC SURVEILLANCE
ORDER 05-WT-001 and EXTENSIONS.

05-20201
05-20202-M1 ✓
05-20203
05-20204
No. 05-WT-001
05-20205

MOTION GRANTED
JON PHIPPS McALLISTER
U.S. DISTRICT JUDGE
July 19, 2005

MOTION TO ALLOW DISCLOSURE OF
SEALED TITLE III MATERIALS IN DISCOVERY

Comes now the United States of America, and hereby requests the Court to authorize the provision to defense counsel in *United States v. Ward Crutchfield and Charles Love*, 05-20204-B; *United States v. Chris Newton and Charles Love*, 05-20205-M1; *United States v. John Ford*, 05-20201-B; *United States v. Roscoe Dixon and Barry Myers*, 05-20202-M1; and *United States v. Kathryn Bowers and Barry Myers*, 05-20203-M1 of copies of the following:

1. Redacted portions of Title III applications, orders and affidavits in Miscellaneous No. 05-WT-001(W.D.TN.) and all orders, applications and affidavits submitted requesting extension or modification of that order.
2. Copies of audio and visual interceptions which were obtained as a result of said orders, to the extent that said interceptions are relevant as discovery material, or other material appropriately furnished to defense counsel.

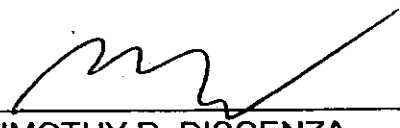
At the government's request, sealing orders were issued to preserve the integrity of the ongoing investigation. The government is seeking the Court's permission to provide in

discovery documents that were submitted to the Court to obtain said order and the fruits of investigation as appropriately disclosed to the defense attorneys in the above-captioned cases.

The United States also requests that it be allowed to redact said applications, orders and affidavits, editing those matters that are not material to the current indictments, as the affidavits, orders and applications contain information concerning lines of investigation that are not yet completed and individuals who have not been charged in a criminal case. If this information is disclosed to the general public, those lines of investigation may be compromised. In addition, the rights of individuals mentioned but not charged may be prejudiced. For these reasons, the government also requests that the disclosure be limited to providing the discovery to defense counsel and their clients, and that the documents made available to the attorneys for the defendants be subject to a protective order limiting the dissemination of this information.

Respectfully submitted,

TERRELL L. HARRIS
UNITED STATES ATTORNEY

By: 
TIMOTHY R. DISCENZA
Assistant United States Attorney
167 N. Main, Room 800
Memphis, Tennessee 38103
(No. 008716 Tennessee)
901-544-4231

CERTIFICATE OF SERVICE

I, TIMOTHY R. DISCENZA, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Motion and the proposed order were mailed, first class postage prepaid, to the following:

counsel for defendant Crutchfield

William H. Farmer, Esq.
Jonathan P. Farmer, Esq.
333 Union Street, Suite 300
Nashville, Tennessee 37201

counsel for defendant Bowers

Lorna S. McClusky, Esq.
Massey McClusky
3074 East Street
Memphis, Tennessee 38128

counsel for defendant Ford

Michael E. Scholl, Esq.
The Scholl Law Firm
8 South Third, Fourth Floor
Memphis, Tennessee 38103

counsel for defendant Newton

Hugh J. Moore, Jr., Esq.
736 Market Street
1100 Suntrust Bank Bldg.
Chattanooga, TN 37402-2608

counsel for defendant Dixon

Walter L. Bailey, Jr., Esq.
The Walter Bailey Law Firm, LLP
100 North Main, Suite 3002
Memphis, Tennessee 38103

counsel for defendant Myers

Leslie I. Ballin, Esq.,
Ballin, Ballin & Fishman, P.C.
200 Jefferson Avenue, Suite 1250
Memphis, Tennessee 38103

counsel for defendant Love

Bryan H. Hoss, Esq.
DAVIS & HOSS
508 East 5th Street
Chattanooga, TN 37403

This 5 day of June, 2005.

Respectfully submitted,
TERRELL L. HARRIS
UNITED STATES ATTORNEY

By: 
TIMOTHY R. DISCENZA
Assistant United States Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 18 in case 2:05-CR-20202 was distributed by fax, mail, or direct printing on July 20, 2005 to the parties listed.

Walter L. Bailey
WALTER BAILEY & ASSOCIATES
100 North Main St.
Ste. 3002
Memphis, TN 38103

Timothy R. DiScenza
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Leslie I. Ballin
BALLIN BALLIN & FISHMAN
200 Jefferson Ave.
Ste. 1250
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT